

THE GENERAL LAW VILLAGE ACT (EXCERPT)
Act 3 of 1895

67.43 Ordinances and laws; fence viewers.

Sec. 43. The council is authorized to enact all such ordinances and laws as it may deem proper relative to the building, rebuilding, maintaining and repairing of partition fences by the owners and occupants of adjoining lots, enclosures and parcels of land in the village; and relative to the assigning to the owners or occupants of such adjoining pieces of land, the portion of such partition fences to be maintained by them respectively; and may provide for the recording of such assignments and divisions when made; and may provide for the recovery of damages from any owner or occupant who shall fail to comply with the provisions and requirements of any ordinance relative to such partition fences. And the council may appoint fence-viewers and prescribe their duties and mode of proceeding in all cases relating to partition fences in the village.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2811;—CL 1915, 2682;—CL 1929, 1591;—CL 1948, 67.43.

THE FOURTH CLASS CITY ACT (EXCERPT)
Act 215 of 1895

91.8 Partition fence; ordinances, by-laws, regulation.

Sec. 8. The council is authorized to enact all such ordinances and by-laws as it may deem proper relative to the building, rebuilding, maintaining and repairing of partition fences by the owners and occupants of adjoining lots, inclosures and parcels of land in said city; and relative to the assigning to the owners or occupants of such adjoining pieces of land the portion of such partition fences to be maintained by them respectively; and may provide for the recording of such assignments and divisions when made; and may provide for the recovery of damages from any owner or occupant who shall fail to comply with the provisions and requirements of any ordinance relative to such partition fences. And the council may appoint fence-viewers, and prescribe their duties and mode of proceeding in all cases relative to partition fences in said city.

History: 1895, Act 215, Eff. Aug. 30, 1895;—CL 1897, 3114;—CL 1915, 3028;—CL 1929, 1952;—CL 1948, 91.8.

LAND RECLAMATION AND IMPROVEMENT AUTHORITY ACT (EXCERPT)
Act 173 of 1992

125.2453 Definitions; D to S.

Sec. 3. (1) "Department" means the department of treasury, unless a different department is explicitly identified.

(2) "Improvement" means 1 or more of the following:

- (a) The construction, improvement, maintenance, and repair of storm or sanitary sewers or combined storm and sanitary sewer systems.
- (b) The construction, improvement, maintenance, and repair of potable and nonpotable water systems.
- (c) The construction, improvement, maintenance, and repair of public roads.
- (d) The acquisition or construction, improvement, and maintenance of public parks, public bicycle paths, and other public recreational facilities, excluding golf courses.
- (e) The construction, improvement, maintenance, and repair of elevated structures for foot travel over roads in the authority district.
- (f) The collection and disposal of garbage and rubbish.
- (g) The construction, improvement, maintenance, and repair of erosion control structures or dikes.
- (h) The planting, maintenance, and removal of trees.
- (i) The installation, improvement, maintenance, and repair of lighting systems.
- (j) The construction, improvement, maintenance, and repair of sidewalks.
- (k) The eradication or control of aquatic plants.
- (l) The construction, improvement, maintenance, and repair of private roads.
- (m) The construction, improvement, maintenance, and repair of waterways, harbors, marinas, seawalls, and channels.
- (n) The construction, installation, improvement, maintenance, and repair of fences, gates, intercommunication systems, and other structures and devices related to security.
- (o) The construction, improvement, maintenance, and repair of structures to control or direct surface water runoff.

(p) The improvement of land and the construction, improvement, maintenance, equipping, or operation of a building to be used by the authority or for other public purposes, and any necessary or desirable

appurtenances to a building to be used by the authority or for other public purposes.

(q) The reclamation of blighted areas, including the replanting, grading, and restoration of land; the removal of minerals; and the removal of waste that is not hazardous waste as defined in part 111 (hazardous waste management) of the natural resources and environmental protection act, Act No. 451 of the Public Acts of 1994, being sections 324.11101 to 324.11152 of the Michigan Compiled Laws.

(r) Easements necessary for an improvement under this subsection.

(s) Demolition of structures and site preparation related to an improvement under this subsection.

(t) The payment of any operational and administrative costs of the authority including, but not limited to, architectural, engineering, legal, and accounting fees as determined by the authority board and costs under section 37, not otherwise considered to be part of the costs of an improvement under section 18(1).

(3) "Person" means an individual, partnership, corporation, association, governmental entity, or other legal entity.

(4) "Record owner" means a person possessed of the most recent fee title or a land contract vendee's interest in real property as shown by the records of the county register of deeds.

(5) "Statement of approval" means a statement of approval of the establishment of an authority issued by the department pursuant to section 6.

History: 1992, Act 173, Imd. Eff. July 21, 1992;—Am. 1996, Act 49, Imd. Eff. Feb. 26, 1996.

ACQUIRING PROPERTY FOR HIGHWAY PURPOSES (EXCERPT) **Act 352 of 1925**

213.176 Possession notice; vesting of title; removal of obstructions on property.

Sec. 6. Upon the filing of such determination and proof of payment, tender or deposit as above provided, the board or commissioner having the matter in charge shall give notice thereof to the owners or occupants of the property therein described, which notice shall be served as provided in section 29 of this act. Said notice shall state that the said board or commissioner is about to take possession of said property for the highway purposes in said determination stated, and in cases where it is determined that benefits equal or exceed damage, such fact shall be clearly set forth in said notice, which may also direct the owners or occupants of such property to remove their fence or fences or other obstructions and encroachments within 10 days thereafter. Upon the filing of such determination and the giving of such notice, the title, and the right of possession to all of the property and property rights described in the determination shall vest in the county or state, as the case may be, for the purpose or purposes therein stated, and in case the owners or occupants thereof shall neglect or refuse to remove their fence, fences and other obstructions and encroachments within 10 days, the board or commissioner shall have the full power, and it shall be their duty to enter upon the premises with such aid and assistance as shall be necessary and remove such fence or fences, obstructions or encroachments without delay: Provided, That no person interested as owner, or otherwise, in any of the property described in such determination, shall be required to vacate any lands or premises or move any dwelling house or other building until after the damages, if any, determined as aforesaid, for the taking of such property have been paid or tendered, and the notices given, in accordance with the provisions of sections 4, 4a, 5 and 6 of this act.

History: 1925, Act 352, Imd. Eff. May 27, 1925;—Am. 1927, Act 92, Imd. Eff. Apr. 30, 1927;—CL 1929, 3889;—Am. 1931, Act 216, Eff. Sept. 18, 1931;—Am. 1937, Act 237, Eff. Oct. 29, 1937;—Am. 1941, Act 279, Eff. Jan. 10, 1942;—CL 1948, 213.176.

HIGHWAY OBSTRUCTIONS AND ENCROACHMENTS; USE OF HIGHWAY BY PUBLIC UTILITIES (EXCERPT) **Act 368 of 1925**

247.171 Encroachments; removal order, service; temporary permit.

Sec. 1. In every case where a public highway has been or shall be encroached upon by any fence, building, or other encroachment, the commissioner or commissioners having jurisdiction over the road may make an order under his or their hand requiring the owner or occupant of the land through or by which such highway runs, and of which such fence, building, or other encroachment forms a part of the enclosure, to remove such encroachment from such highway within 30 days. A copy of such order shall be served upon such owner or occupant, and every such order shall specify the width of the road, the nature of the encroachment and its location with relation to the center line of the road, and the township, section and fraction thereof in which it may be: Provided, The commissioner or commissioners having the matter in charge may issue temporary permits for fences for the protection of improvements on the adjacent land.

History: 1925, Act 368, Eff. Aug. 27, 1925;—CL 1929, 4041;—CL 1948, 247.171.

Former law: See section 1 of Ch. 7 of Act 283 of 1909, being CL 1915, § 4401.

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT (EXCERPT)
Act 451 of 1994

324.41703 Game bird hunting preserves; size; boundary signs.

Sec. 41703. Each game bird hunting preserve shall contain not less than 80 acres or more than 640 acres of land leased or owned by the licensee, except that those preserves whose operations are confined only to ducks may contain a minimum of 50 acres. The exterior boundaries of each preserve shall be clearly defined with signs erected at intervals of 150 feet or less.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2001, Act 23, Imd. Eff. June 18, 2001.

Popular name: Act 451

RAILROADS (EXCERPT)
Act 300 of 1909

462.39 Fences; inspection, construction.

Sec. 39. The railroad commission shall have power, and it shall be its duty, if it shall deem it practicable, in all cases to inspect and determine the sufficiency of all fences required by law to be constructed and maintained by railroad companies, and it may prescribe the manner of constructing and the time within which it shall be done.

History: 1909, Act 300, Eff. Sept. 1, 1909;—CL 1915, 8147;—CL 1929, 11055;—CL 1948, 462.39.

REVISED JUDICATURE ACT OF 1961 (EXCERPT)
Act 236 of 1961

600.2940 Nuisance; abatement; circuit court; injunction; private nuisance; damages; warrant to abate and remove nuisance; expense; actions.

Sec. 2940. (1) All claims based on or to abate nuisance may be brought in the circuit court. The circuit court may grant injunctions to stay and prevent nuisance.

(2) When the plaintiff prevails on a claim based on a private nuisance, he may have judgment for damages and may have judgment that the nuisance be abated and removed unless the judge finds that the abatement of the nuisance is unnecessary.

(3) If the judgment is that the nuisance shall be abated, the court may issue a warrant to the proper officer, requiring him to abate and remove the nuisance at the expense of the defendant, in the manner that public nuisances are abated and removed. The court may stay the warrant for as long as 6 months to give the defendant an opportunity to remove the nuisance, upon the defendant giving satisfactory security to do so.

(4) The expense of abating and removing the nuisance pursuant to such warrant, shall be collected by the officer in the same manner as damages and costs are collected upon execution, excepting that the materials of any buildings, fences, or other things that may be removed as a nuisance, may be sold by the officer, in like manner as goods are sold on execution for the payment of debts. The officer may apply the proceeds of such sale to defray the expenses of the removal, and shall pay over the balance thereof, if any, to the defendant upon demand. If the proceeds of the sale are not sufficient to defray the said expenses, he shall collect the residue thereof as before provided.

(5) Actions under this section are equitable in nature unless only money damages are claimed.

History: 1961, Act 236, Eff. Jan. 1, 1963.

THE MICHIGAN PENAL CODE (EXCERPT)
Act 328 of 1931

750.381 Malicious destruction of property; fences or opening gates.

Sec. 381. Maliciously breaking down or injuring fences or opening gates, etc.—Any person who shall maliciously break down, injure, mar or deface any fence belonging to or enclosing lands not his own, or shall maliciously throw down or open any gate, bars or fence, and leave the same down or open, shall be guilty of a misdemeanor.

History: 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.381.

Former law: See section 49 of Ch. 154 of R.S. 1846, being CL 1857, § 5793; CL 1871, § 7600; How., § 9171; CL 1897, § 11585; CL 1915, § 15330; CL 1929, § 16926; Act 206 of 1848; and Act 47 of 1849.